



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Haase, Richard A.

Filed: March 1, 2004

Title: Water Combustion Technology -
Methods, Processes, Systems and
Apparatus for the Combustion of
Hydrogen and Oxygen

§ Serial No.: 10/790,316
§
§ A continuation of PCT/US 03/11250
§ and PCT/US 03/41719
§
§ Claiming Priority of:
§ PCT/US 03/11250 filed 4/10/03,
§ PCT/US 03/41719 filed 10/11/03,
§ 60/447,880 filed 2/14/03,
§ 60/404,644 filed 8/19/02,
§ 60/379,587 filed 5/10/02, and
§ 60/371,768 filed 4/11/02.

DECLARATION OF RICHARD ALAN HAASE

My name is Richard Haase. I am of sound mind, capable of making this Declaration and have personal knowledge of the facts stated herein.

1. I am the President of ClearValue, Inc. and the owner and inventor of U.S. Pat. Application No. 10/790,316.
2. I am custodian of patent files associated with this application and with files associated with all applications of which this application claims priority. I am also custodian of the business files for ClearValue, Inc., as well as those associated with this application and with the files associated with all applications of which this application claims priority. Also, I am the custodian of the legal file associated with the lawsuit styled *Richard Alan Haase, Plaintiff v. GIM Resources, Inc. and Mr. Chris Block, Defendants*.
3. I know of no teaching, publication or application for patent prior to my teaching which teaches or suggests the formation of a hydrogen gel by placing frozen water crystals within gaseous hydrogen.
4. I know of no teaching, publication or application for patent prior to my teaching which teaches or suggests the formation of an oxygen gel by placing frozen water crystals within gaseous hydrogen.

5. I know of no teaching, publication or application for patent prior to my applications for patent which teach or suggest maintaining the combustion and/or the exhaust temperature of a hydrogen fueled jet engine by increasing the airflow and/or air compressor size of said jet engine over that which would normally be used for a kerosene fueled jet engine.
6. I know of no teaching, publication or application for patent prior to my applications for patent which teach or suggest maintaining the thrust and/or altitude ceiling of a hydrogen fueled jet engine by increasing the airflow and/or air compressor size of said jet engine over that which would normally be used for a kerosene fueled jet engine.
7. I know of no teaching, publication or application for patent prior to my applications for patent which teach or suggest maintaining the combustion and/or the exhaust temperature of a rocket engine by adding water to said combustion.
8. I know of no teaching, publication or application for patent prior to my applications for patent which teach or suggest maintaining the thrust of a rocket engine by adding water to the combustion of said rocket engine.
9. I know of no teaching, publication or application for patent prior to my applications for patent which teach or suggest the combustion of hydrogen with oxygen, wherein the oxygen is obtained by separation of air, and wherein said separation of air is powered or driven by said combustion of hydrogen.
10. Attached herein as Exhibit 1 is a true and correct copy of Plaintiff's First Amended Petition in the cause *Richard Alan Haase, Plaintiff v. GIM Resources, Inc. and Mr. Chris Block, Defendants*.
11. Attached herein as Exhibit 2 is a true and correct copy of the Technical Report of GIM Resources, Inc. and Mr. Chris Block as provided to Element Markets.
12. Mr. Block expressed to me, prior to his performing a technical evaluation and his report, Exhibit 2, of the styled patent application, that he was one of Expert Skill in the Art of Combustion Science.

13. Within discovery of said cause, I have learned that Mr. Block has Bachelor Degrees in Chemistry and Chemical Engineering. Such a degree combination would make Mr. Block at least one of Ordinary Skill in the Art of Combustion Science.
14. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full Name of Declarant: Richard Alan Haase

Residence: 4402 Ringrose Drive
Missouri City, Texas 77459

Citizenship: USA

Post Office Address: P.O. Box 18856
Sugar Land, Texas 77496-8856

Date: December 7, 2009

A handwritten signature in black ink, appearing to be 'R. Haase', written over a horizontal line.

Signature of Declarant

Exhibit 1

RICHARD A. HAASE,
Plaintiff

vs.

GIM RESOURCES, INC. and
Mr. Chris Bloch,
Defendants

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§
§

IN THE TEXAS DISTRICT COURT

of

FORT BEND COUNTY, TEXAS

240'TH JUDICIAL DISTRICT

FILED

2009 FEB 18 PM 3: 17

Renee R. Elliott
CLERK DISTRICT COURT
FORT BEND CO., TX

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE COURT:

COMES NOW, RICHARD A. HAASE, Plaintiff, complains of GIM RESOURCES, INC.
and MR. CHRIS BLOCH, Defendants, and for cause of action shows:

I. Selection of Discovery Level

Plaintiff affirmatively pleads that discovery should be conducted in accordance with a
discovery control plan under Rule 190.3 (level 2).

II. Parties and Service

Plaintiff is a citizen of Fort Bend County, Texas residing at 4402 Ringrose Drive,
Missouri City in Fort Bend County, Texas. Defendants are residents of Harris County with an
address of 2919 Redwood Lodge Drive, Kingwood, TX 77339 doing business in Texas.

III. Conditions Precedent

Venue is proper as actions of Defendants occurred in Fort Bend County, Texas.

IV. Factual Review

On or about January 28, 2008 Plaintiffs met with the Defendants and third parties,
Element Markets and Ms. Joanna Gaines, at the Office of Element Markets located at Suite 250,
One Sugar Creek Boulevard, Sugar Land, Texas 77478, which is located within Ft. Bend

County. At said meeting, Defendants represented themselves as “experts in the art of combustion and of combustion science” to both Plaintiff and Element Markets. Due to said representation, Plaintiff agreed for Defendants to provide a report regarding invention technology of Plaintiff to Element Markets. Said invention technology (Plaintiff’s Technology) is published from the World Intellectual Property Organization and the United States Patent and Trademark Office (Exhibit A of Plaintiff’s Original Petition).

Said report of Defendants was available on or about March 2 of 2008 (Exhibit B of Plaintiff’s Original Petition).

Said report made disparaging remarks, misrepresentations and supplied false information regarding Plaintiff’s Technology. Said report revealed at least one of: a misunderstanding of Plaintiff’s Technology, a lack of proper or reasonable review of Plaintiff’s Technology, intent on the part of Defendants to disparage and/or provide false information regarding Plaintiff’s Technology, false information regarding Plaintiff’s Technology, misrepresentation as to Plaintiff’s Technology, and any combination therein. Said report lacks any document presenting the qualifications of the Defendants to render such a report or which would validate that the Defendants are of “expert skill in the art of combustion and of combustion science”. Said report does not fully reference Plaintiff’s Technology while providing no other reference; therefore, Plaintiff contends that Defendants did not performed a proper or reasonable review of Plaintiff’s Technology to form said report as would be expected by *a reasonably prudent person*.

Plaintiff was seeking an investment from Element Markets to develop a significant business associated with said inventions. A three page business summary relating to said business incorporating Plaintiff’s Technology is attached as Exhibit C to Plaintiff’s Original Petition.

Plaintiff made numerous attempts to remedy Defendants actions by communicating with Defendants. Defendants refused all attempts, even refusing Plaintiffs certified mail (Exhibit D of Plaintiff's Original Petition).

Regardless of the potential investment from Element Markets, should Defendants have properly or reasonably referenced said report while being of expert skill in the art, as was represented by Defendants, Plaintiff would have been able to present said report to the United States Patent and Trademark Office as evidence of non-obviousness of Plaintiff's invention. The importance of said non-obviousness evidence is presented in recent U.S. Supreme Court Case Law (Exhibit E of Plaintiff's Original Petition).

An unwillingness of Defendants to properly or reasonably: review Plaintiff's Technology, reference Plaintiff's Technology in said report, and provide documentation of Defendants qualifications after numerous requests of by Plaintiff for Defendants to properly do so is evidence of Malice on the part of Defendants.

V. Fraud

Plaintiff will show this Honorable Court that should Defendants not be of "expert skill in the art of combustion and of combustion science", as represented by Defendants, then, Defendants have committed Common Law Fraud harming Plaintiff. Therein Defendants have made false statements harming Plaintiff, wherein the false statements were made with at least a reckless disregard for the truth. Should Defendants be of "expert skill in the art of combustion and of combustion science", as represented by Defendants, Plaintiff will show this Honorable Court knowledge of the falsity of statements made by Defendants. Should Defendants not be of "expert skill in the art of combustion and of combustion science", as represented by Defendants, then Plaintiff will show this Honorable Court knowledge a reckless disregard of the falsity of statements

made by Defendants in relation to the skill of Defendants and to Plaintiff's Technology. Plaintiff will show this Honorable Court, in any event, Defendants made at least one misrepresentation to Plaintiff. Plaintiffs will show this Honorable Court, in any event, Defendants made at least one misrepresentation harming Plaintiff.

VI. Negligent Misrepresentation

Plaintiff will show this Honorable Court that Defendants supplied false information in a transaction for which Defendants had a pecuniary interest. Said false information was supplied for the guidance of others in their business transaction(s). Further, said false information has caused a pecuniary loss to Plaintiff. Further still, Defendants did not exercise reasonable care or competence in obtaining or communicating said false information. Plaintiff will show this Honorable Court: (1) the transaction was intended to affect the Plaintiff, (2) there was foreseeable harm to the Plaintiff by said false information provided by Defendants, (3) there is a closeness of the connection between the Defendants' Conduct and Plaintiff's Injury Suffered, and (4) the liability of Defendant.

VII. Negligence

Plaintiff will show this Honorable Court that Defendants minimally performed Negligence harming Plaintiff. Plaintiff will show this Honorable Court that Defendants are proximate cause of damages to Plaintiff. Defendants have minimally neglected to perform at least one of: failing to properly or reasonably review Plaintiff's Technology; failing to properly or reasonably interpret Plaintiff's Technology; failing to properly or reasonably reference said report to Plaintiff's Technology; failing to properly or reasonably reference said report to the skill of Defendants; failing to properly, reasonably and truthfully report Plaintiff's Technology; and any combination therein. Further, Defendants in their report make false statements and misrepresentations regarding Plaintiff's

Technology. Plaintiff will show this Honorable Court that these actions were not the *actions of a reasonably prudent person*. Plaintiffs will show this Honorable Court that Defendants minimally had at least one duty and minimally breached at least one duty. Plaintiffs will show this Honorable Court that Defendants could easily foresee the danger of their actions, as well as, the consequences of their actions. Plaintiffs will show this Honorable Court that Defendants actions are substantial. Finally, Plaintiffs will show this Honorable Court that a duty existed by Defendants.

VIII. Professional Malpractice

Plaintiff will show this Honorable Court that the actions of Defendants as described within this petition amount to professional malpractice.

IX. Damages

As a result of the Defendants' Actions, Plaintiff is still seeking a means to bring the technology within Exhibit A to commercial status. Plaintiffs:

- a. Commercial Value of Plaintiff's Technology is valued in the billions of dollars, as presented in Exhibit B of Plaintiff's Original Petition.
- b. Value of the Plaintiff's Technology is valued at least in the tens of millions of dollars due to the commercial value presented in Exhibit B of Plaintiff's Original Petition.
- c. Plaintiff will employ expert testimony to define the commercial value and the intellectual property value of Plaintiff's Technology.

X. Exemplary Damages

Plaintiff will show this Honorable Court by clear and convincing evidence that the harm to Plaintiff caused by Defendants is a result from at least one of Defendants: negligent misrepresentation, fraud and malice.

XI. Trial by Jury

Plaintiff respectfully requests of this Honorable Court a trial by jury.

PRAYER

WHEREFORE, Plaintiffs respectfully pray that Defendants be cited to appear and answer, and that upon a final trial, judgment be entered for Plaintiff against Defendant for the following:

1. Judgment against Defendant for economic damages in an amount within the jurisdictional limits of this Honorable Court.
2. Exemplary damages within the jurisdictional limits of this Honorable Court.
3. Attorney's fees and/or professional time for this cause of action.
4. Prejudgment interest as provided by law.
5. Postjudgment interest as provided by law.
6. Cost of suit.
7. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

By: 

Mr. Richard Adams Pro Se

4402 Ringrose Drive
Missouri City, Texas 77496-8856
Tel. (281) 261-9543
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2009, a true and correct copy of the above and foregoing document has been served by *Certified Mail, Return Receipt Requested*, by depositing in an enclosed, postpaid, properly addressed wrapper in a post office or official depository under the care and custody of the United States Postal Service to the address indicated below.

Mr. Paul E. Nunu, Esq.
1235 Harvard Street
Houston, Texas 77008
Attorney for Defendants

A handwritten signature in black ink, appearing to read 'R. Haase', written over a horizontal line.

Richard A. Haase, Pro Se'

Richard A. Haase
4402 Ringrose Drive
Missouri City, Texas 77459
Phone: (281) 261-9543
Facsimile: (281) 261-6505

CM/RRR – 7002-3150-0002-3371-4844

Exhibit 2

CONFIDENTIAL

GIM Resources

March 2, 2008

Clear Value Technology

Richard A. Haase (Inventor)

Technical Assessment

Mr. Haase provided a patent application (US 2005/0198958 A1) dated September 15, 2005 as a description of his technology. The basis of the technology is the combustion of hydrogen by pure oxygen with water added to the combustion process to control combustion temperatures. The invention anticipates recovery of the energy produced by this combustion process by a number of conventional means to produce work that may be converted into electricity and/or mechanical energy. The patent application discloses a large number of variations under which the electricity and mechanical energy are then used to produce additional hydrogen and oxygen that can then be returned to the combustion process.

Unfortunately, the patent application primarily demonstrates a complete lack of understanding by the inventor of the thermodynamics of existing fossil fuel/ air combustion engines as well as a lack of understanding of the thermodynamics of the proposed invention. Work losses generated during gas compression stages specified in the cycles described by the application are not addressed. No provisions are made to recover the heat lost to the water injected into the combustion process to cool the oxygen/hydrogen engine as the resultant water vapor cannot be recovered efficiently without prior condensation. Condensation of steam in conventional power plants represents the most significant loss of thermal energy and would also need to be addressed by the proposed technology.

State of the art combined cycle power plants currently are capable of achieving 60% thermal efficiencies burning fossil fuels with air. Higher efficiencies are currently limited by available material science. Water is commonly injected into the combustion process to limit combustion temperatures that currently exceed 2,200 °F. This water is added as augmentation steam.

While it is theoretically possible to reduce compression losses by use of pure oxygen in place of air, the highly corrosive nature of hot compressed pure oxygen to the metals used to build current engines makes such an option currently unfeasible.

I suggest that Element Markets not pursue this technology.